

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MB Docket No. 05-243
Table of Allotments,)	RM-11363
FM Broadcast Stations.)	RM-11364
(Meeteetse, Wyoming, Fruita, Colorado, Ashton,)	RM-11365
Burley, Dubois, Idaho Falls, Pocatello, Rexburg,)	
Shelley, Soda Springs, and Weston, Idaho, Lima,)	
Montana, American Fork, Ballard, Brigham City,)	
Centerville, Delta, Huntington, Kaysville, Logan,)	
Manti, Milford, Naples, Oakley, Orem, Price)	
Randolph, Roosevelt, Roy, Salina, South Jordan,)	
Spanish Fork, Vernal, Wellington, and Woodruff,)	
Utah, Diamondville, Evanston, Kemmerer,)	
Marbleton, Superior, Thayne, and Wilson,)	
Wyoming) ¹)	

ORDER TO SHOW CAUSE

Adopted: April 18, 2007

Released: April 20, 2007

Comment Date: May 21, 2007

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it a counterproposal filed jointly by Sand Hill Media Corporation, licensee of Station KADQ-FM, Channel 232C2, Rexburg, Idaho and Sandhill Media Group, LLC, license of Station KUPI-FM, Channel 256C1, Idaho Falls, Idaho (jointly "SHM"), in response to the *Notice of Proposed Rule Making*.² The Joint Parties requested the issuance of this *Order to Show Cause* directed at Brigham Young University - Idaho ("Brigham Young"), licensee of Station KBYI(FM), Channel 263C1, Rexburg, Idaho.

2. SHM filed a timely counterproposal in response to the *Notice's* proposed substitution of Channel 259C for Channel 273C at Meeteetse, Wyoming. The counterproposal requested the allotment of Channel 262C2 at Lima, Montana, as its first local service; the substitution of Channel 232C1 for

¹ Fruita, Colorado, Ashton, Burley, Dubois, Idaho Falls, Pocatello, Rexburg, Shelley, Soda Springs, and Weston, Idaho, Lima, Montana, American Fork, Ballard, Brigham City, Centerville, Delta, Huntington, Kaysville, Logan, Manti, Milford, Naples, Oakley, Orem, Price, Randolph, Roosevelt, Roy, Salina, South Jordan, Spanish Fork, Vernal, Wellington, and Woodruff, Utah, Diamondville, Evanston, Kemmerer, Marbleton, Superior, Thayne, and Wilson, Wyoming have been added to the caption. See *Public Notice*, Report No. 2809, released March 28, 2007; see also *Public Notice*, Report No. 2808, released March 28, 2007 and *Public Notice*, Report No. 2811, released April 2, 2007.

² See *Meeteetse, Wyoming*, Notice of Proposed Rule Making, 20 FCC Rcd 12967 (MB 2005) ("Notice").

Channel 263C1 at Rexburg, Idaho, and modification of the Station KBYI(FM) license;³ the substitution Channel 233C0 for Channel 233C at Logan, Utah, and modification of Station KVFX(FM) license to reflect this change; the substitution of Channel 256C2 for Channel 232C2 at Rexburg, Idaho, and modification of the Station KADQ-FM license; the substitution of Channel 263C1 for Channel 256C1 at Idaho Falls, Idaho, and modification of the Station KUPI-FM license; and the substitution of Channel 260C3 for Channel 261C2 at Soda Springs, Idaho, and reallocation of Channel 260C3 from Soda Springs, Idaho to Wilson, Wyoming, as its first local service, and modification of the Station KITT(FM) license.⁴ The counterproposal also proposed the allotment of Channel 282C instead of the proposed Channel 259C at Meeteetse, Wyoming to remove the conflict with the *Notice's* proposal.

3. Section 316(a) of the Communications Act of 1934, as amended,⁵ permits us to modify the license or construction permit if such action is in the public interest. The Act requires that we notify the affected station of the proposed action, the public interest reasons for the action, and afford at least 30 days to respond. This procedure is now set forth in Section 1.87 of the Commission's Rules.⁶ We find that the SHM counterproposal has sufficient public interest benefits to justify the issuance of a show cause order. Therefore, we are issuing this *Order to Show Cause* directed to Brigham Young requesting the licensee to show cause why Station KBYI(FM), Channel 263C1, Rexburg, Idaho should not be modified to specify Channel 232C1 as proposed herein.

4. SHM states that they will reimburse Brigham Young for the reasonable costs incurred in connection with the proposed channel changes, respectively, for Station KBYI(FM) consistent with the *Circleville* policy.⁷

5. Accordingly, IT IS ORDERED, That pursuant to the Act, Brigham young University - Idaho, licensee of Station KBYI(FM), Rexburg, Idaho, SHALL SHOW CAUSE why its license should not be modified to specify operation on Channel 232C1 in lieu of Channel 263C1.

6. Pursuant to Section 1.87 of the Communications Rules, the above affected licensee may, no later than May 21, 2007, file a written statement showing with particularity why the station's license should not be modified as proposed in this *Order to Show Cause*. The Commission may call upon the affected licensee herein to furnish additional information. If the affected licensee raises any substantial and material questions of fact, a hearing may be required to resolve such questions of fact pursuant to Section 1.87 of the Rules. Upon review of the statements and/or additional information furnished, the Commission may grant the modification, deny the modification, or set the matter of modification for hearing. If no written statement is filed by the date referred to above, the licensee will be deemed to have consented to the modification as proposed in this *Order to Show Cause* and a final Order will be issued if the modification is found to be in the public interest.

³ The license of Station KBYI(FM) at Rexburg, Idaho can be modified to specify operation on Channel 232C1 in lieu of Channel 263C1 at the station's current authorized transmitter site. See File No. BLED-19980722KA. The licensed coordinates for Station KBYI(FM) at Rexburg are 43-45-44 NL and 111-57-30 WL.

⁴ SHM filed a minor amendment, requesting a new transmitter site for Channel 263C1 at Idaho Falls, Idaho, which eliminates the need for Station KITT(FM) to change its channel and community of license to accommodate the proposed substitution of Channel 263C1 at Idaho Falls, Idaho.

⁵ 47 U.S.C. § 316(a) (the "Act").

⁶ See *Modification of FM and Television Licenses Pursuant to Section 316 of the Communications Act*, Order, 2 FCC Rcd 3327 (1987).

⁷ See *Circleville, Ohio*, Memorandum Opinion and Order, 8 FCC 2d 159 (1967).

7. IT IS FURTHER ORDERED, that a copy of this *Order to Show Cause* shall be sent BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, to the following:

Brigham Young University – Idaho
Spori Building, Room 243
Rexburg, Idaho 83460

Christopher D. Ornelas
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8. For further information concerning this proceeding, contact Rolanda F. Smith, Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief
Audio Division
Media Bureau